

AMENDMENTS TO THE CLAIMS

Listing of Claims:

1-18. (Cancelled)

19. (Currently amended) A method for expression of one or more gene in a plant of the genus *Tagetes* comprising utilizing ~~a one or more promoter selected from the group consisting of~~

A) ~~EPSPS promoter,~~

B) ~~B gene promoter,~~

C) ~~PDS promoter, and~~

D) ~~CHRC promoter,~~

with the proviso that genes from plants of the genus *Tagetes* which are expressed in wild-type plants of the genus *Tagetes* by the promoter are excluded, wherein the CHRC promoter comprises the nucleotide sequence of SEQ ID NO: 11, or a fragment thereof having the same promoter activity.

20. (Previously presented) The method according to claim 19, wherein expression takes place specifically in flowers.

21. (Previously presented) The method according to claim 20, wherein expression takes place specifically in petals.

22. (Withdrawn) The method according to claim 19, wherein the EPSPS promoter comprises

- 1) a nucleic acid sequence of SEQ ID NO: 1, 2 or 3 or
- 2) a sequence derived from these sequences by substitution, insertion or deletion of nucleotides, which has an identity of at least 60% at nucleic acid level with the respective sequence of SEQ ID NO: 1, 2 or 3 or
- 3) a nucleic acid sequence which hybridizes with the nucleic acid sequence of SEQ ID NO: 1, 2 or 3 under stringent conditions or
- 4) functionally equivalent fragments of the sequences under 1), 2) or 3).

23. (Withdrawn) The method according to claim 19, wherein the B gene promoter comprises

- 1) a nucleic acid sequence of SEQ ID NO: 4, 5 or 6 or
 - 2) a sequence derived from these sequences by substitution, insertion or deletion of nucleotides, which has an identity of at least 60% at nucleic acid level with the respective sequence of SEQ ID NO: 4, 5 or 6 or
 - 3) a nucleic acid sequence which hybridizes with the nucleic acid sequence of SEQ ID NO: 4, 5 or 6 under stringent conditions or
 - 4) functionally equivalent fragments of the sequences under 1), 2) or 3).
24. (Withdrawn) The method according to claim 19, wherein the PDS promoter comprises
- 1) a nucleic acid sequence of SEQ ID NO: 7, 8, 9 or 10 or
 - 2) a sequence derived from these sequences by substitution, insertion or deletion of nucleotides, which has an identity of at least 60% at nucleic acid level with the respective sequence of SEQ ID NO: 7, 8, 9 or 10 or
 - 3) a nucleic acid sequence which hybridizes with the nucleic acid sequence of SEQ ID NO: 7, 8, 9 or 10 under stringent conditions or
 - 4) functionally equivalent fragments of the sequences under 1), 2) or 3).
25. (Cancelled)
26. (Currently amended) A genetically modified plant of the genus *Tagetes*, comprising a genetic modification leading to an ~~increasing or causing of the~~ increased expression rate of at least one gene in comparison with the wild-type plant ~~and being , wherein the increased expression is~~ due to regulation of expression of the gene in the plant by ~~one or more promoter selected from the group consisting of EPSPS promoter, B gene promoter, PDS promoter, and a CHRC promoter comprising the nucleotide sequence of SEQ ID NO: 11, or a fragment thereof having the same promoter activity.~~
27. (Currently amended) The genetically modified plant according to claim 26, wherein the regulation of the expression of ~~[[a]]~~ the gene in the plant is achieved by means of ~~one or more promoter selected from the group consisting of EPSPS promoter, B gene promoter, PDS promoter, and CHRC promoter, in that~~

- a) the one or more promoter is inserted inserting the CHRC promoter into the genome of the plant such that expression of one or more endogenous gene takes place under the control of the inserted promoter, ~~or~~
 - b) inserting one or more gene ~~is inserted~~ into the genome of the plant such that expression of ~~one or more of~~ the inserted gene takes place under the control of ~~an~~ the endogenous CHRC promoter, ~~selected from the group consisting of EPSPS promoter, B gene promoter, PDS promoter, and CHRC promoter or~~
 - c) inserting one or more nucleic acid construct comprising ~~at least one promoter selected from the group consisting of EPSPS promoter, B gene promoter, PDS promoter, and the~~ CHRC promoter and, functionally linked to, one or more gene to be expressed ~~is inserted~~ into the plant.
28. (Currently amended) A genetically modified plant of the genus *Tagetes*, comprising a ~~promoter selected from the group consisting of EPSPS promoter, B gene promoter, PDS promoter, and~~ CHRC promoter and, functionally linked to, a gene to be expressed, with the proviso that genes from plants of the genus *Tagetes*, which are expressed in wild-type plants of the genus *Tagetes* by the respective promoter, are excluded, wherein the CHRC promoter comprises the nucleotide sequence of SEQ ID NO: 11, or a fragment thereof having the same promoter activity.
29. (Withdrawn) The method according to claim 22, wherein expression takes place specifically in flowers.
30. (Withdrawn) The method according to claim 29, wherein expression takes place specifically in petals.
31. (Withdrawn) The method according to claim 23, wherein expression takes place specifically in flowers.
32. (Withdrawn) The method according to claim 31, wherein expression takes place specifically in petals.
33. (Withdrawn) The method according to claim 24, wherein expression takes place specifically in flowers.

34. (Withdrawn) The method according to claim 33, wherein expression takes place specifically in petals.

35-36. (Cancelled)

37. (Withdrawn) The plant according to claim 26, wherein the EPSPS promoter comprises

- 1) a nucleic acid sequence of SEQ ID NO: 1, 2 or 3 or
- 2) a sequence derived from these sequences by substitution, insertion or deletion of nucleotides, which has an identity of at least 60% at nucleic acid level with the respective sequence of SEQ ID NO: 1, 2 or 3 or
- 3) a nucleic acid sequence which hybridizes with the nucleic acid sequence of SEQ ID NO: 1, 2 or 3 under stringent conditions or
- 4) functionally equivalent fragments of the sequences under 1), 2) or 3).

38. (Withdrawn) The plant according to claim 26, wherein the B gene promoter comprises

- 1) a nucleic acid sequence of SEQ ID NO: 4, 5 or 6 or
- 2) a sequence derived from these sequences by substitution, insertion or deletion of nucleotides, which has an identity of at least 60% at nucleic acid level with the respective sequence of SEQ ID NO: 4, 5 or 6 or
- 3) a nucleic acid sequence which hybridizes with the nucleic acid sequence of SEQ ID NO: 4, 5 or 6 under stringent conditions or
- 4) functionally equivalent fragments of the sequences under 1), 2) or 3).

39. (Withdrawn) The plant according to claim 26, wherein the PDS promoter comprises

- 1) a nucleic acid sequence of SEQ ID NO: 7, 8, 9 or 10 or
- 2) a sequence derived from these sequences by substitution, insertion or deletion of nucleotides, which has an identity of at least 60% at nucleic acid level with the respective sequence of SEQ ID NO: 7, 8, 9 or 10 or
- 3) a nucleic acid sequence which hybridizes with the nucleic acid sequence of SEQ ID NO: 7, 8, 9 or 10 under stringent conditions or

- 4) functionally equivalent fragments of the sequences under 1), 2) or 3).
- 40. (Cancelled)
- 41. (Withdrawn) The plant according to claim 28, wherein the EPSPS promoter comprises
 - 1) a nucleic acid sequence of SEQ ID NO: 1, 2 or 3 or
 - 2) a sequence derived from these sequences by substitution, insertion or deletion of nucleotides, which has an identity of at least 60% at nucleic acid level with the respective sequence of SEQ ID NO: 1, 2 or 3 or
 - 3) a nucleic acid sequence which hybridizes with the nucleic acid sequence of SEQ ID NO: 1, 2 or 3 under stringent conditions or
 - 4) functionally equivalent fragments of the sequences under 1), 2) or 3).
- 42. (Withdrawn) The plant according to claim 28, wherein the B gene promoter comprises
 - 1) a nucleic acid sequence of SEQ ID NO: 4, 5 or 6 or
 - 2) a sequence derived from these sequences by substitution, insertion or deletion of nucleotides, which has an identity of at least 60% at nucleic acid level with the respective sequence of SEQ ID NO: 4, 5 or 6 or
 - 3) a nucleic acid sequence which hybridizes with the nucleic acid sequence of SEQ ID NO: 4, 5 or 6 under stringent conditions or
 - 4) functionally equivalent fragments of the sequences under 1), 2) or 3).
- 43. (Withdrawn) The plant according to claim 28, wherein the PDS promoter comprises
 - 1) a nucleic acid sequence of SEQ ID NO: 7, 8, 9 or 10 or
 - 2) a sequence derived from these sequences by substitution, insertion or deletion of nucleotides, which has an identity of at least 60% at nucleic acid level with the respective sequence of SEQ ID NO: 7, 8, 9 or 10 or
 - 3) a nucleic acid sequence which hybridizes with the nucleic acid sequence of SEQ ID NO: 7, 8, 9 or 10 under stringent conditions or
 - 4) functionally equivalent fragments of the sequences under 1), 2) or 3).

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44. (Cancelled)